

I hereby certify that this correspondence is being electronically transmitted via EFS to the United States Patent and Trademark Office on the date shown below:

COMMUNICATION RE: PATENT TERM ADJUSTMENT  
Examining Group 1649  
Patent Application  
Docket No. GJE-6595  
Serial No. 10/507,463

July 30, 2008

David Saliwanchik

David R. Saliwanchik, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Aditi Dutt  
Art Unit : 1649  
Applicant : David Selwood, Marianne Loehr and Ian Zachary  
Serial No. : 10/507,463  
Conf. No. : 8237  
Filed : September 10, 2004  
For : VEGF Peptides and Their Use

Office of Patent Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COMMUNICATION REGARDING  
PATENT TERM ADJUSTMENT

Sir:

The applicants received a Notice of Allowance dated July 22, 2008, in the above-identified patent application. The Determination of Patent Term Adjustment (PTA) Under 35 U.S.C. 154(b) indicates that the patent for this application would be eligible for 229 days of patent term adjustment. For the record, applicants believe the patent is entitled to only 117 days of PTA.

A review of the PAIR record shows an apparent 354-day Patent Office delay pursuant to 37 CFR §1.702(a) (failure to take certain actions within specified time frames). However, the subject application is a 35 U.S.C. 371 application that did not fulfill the necessary national filing requirements until October 2, 2004 (see attached copy of the Notice of Acceptance of §371 Application). Therefore, according to 37 CFR §1.702(a), the Patent Office was not required to issue a notification under 35 U.S.C. §132 until December 2, 2005. A review of the PAIR record shows

that an Office Action was mailed on October 30, 2006, which constituted 332 day delay by the Patent Office.

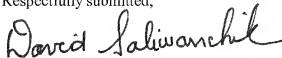
In addition, applicants requested and were granted an extension of time on April 30, 2008, which should have resulted in a 90-day applicant delay (see attached copy of the cover page of applicants' Amendment Under 37 CFR 1.114, which indicates the request for a three-month extension of time). The PAIR record shows that the extension was granted, but fails to indicate the 90-days of applicant delay. The record correctly shows a prior 34-day and a 91-day applicant delay. Thus, the total applicant delay should be 215 days in this application.

In view of the above discrepancies in the record, applicants believe that the patent for this application will be eligible for 117 days of PTA (332 day Patent Office delay – 215 day applicant delay = 117 days of PTA).

Applicants respectfully request that the PAIR record be reviewed and corrected to ensure that the granted patent will indicate the correct Patent Term Adjustment.

Applicants do not believe there should be a fee associated with this Communication. But, the Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 that may be required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,



David R. Saliwanchik

Patent Attorney

Registration No. 31,794

Phone: 352-375-8100

Fax No.: 352-372-5800

Address: P.O. Box 142950

Gainesville, FL 32614-2950

DRS/gld

Attachments: Copy of the Notice of Acceptance of §371 Application  
Copy of cover of Amendment filed April 30, 2008

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office on the date shown below:

April 30, 2008

David R. Saliwanchik

David R. Saliwanchik, Patent Attorney

AMENDMENT UNDER 37 CFR 1.114  
Examining Group 1649  
Patent Application  
Docket No. GJE-6595

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CONFIDENTIAL

Examiner : Aditi Dutt  
Art Unit : 1649  
Applicants : David Selwood *et al.*  
Serial No. : 10/507,463  
Filed : September 10, 2004  
For : VEGF Peptides and Their Use

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

AMENDMENT UNDER 37 CFR 1.114

Sir:

A Request for Continued Examination (RCE) is being electronically transmitted to the Patent Office with the filing of this Amendment. Also, a three month Extension of Time, through and including, April 30, 2008, is being authorized with the electronic filing of this paper.

In response to the Office Action dated May 31, 2007, and further to the Appeal Brief submitted to the Patent Office on January 30, 2008, the following amendments and remarks are respectfully presented.

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks/Arguments** follow the amendment section of this paper.



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address COMMISSIONER, PTO PATENT  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/507,463	FIRST NAMED APPLICANT David Setwood	ATTY. DOCKET NO. GJE-6595
---	--	------------------------------

23557  
 SALIWANCHIK LLOYD & SALIWANCHIK  
 A PROFESSIONAL ASSOCIATION  
 PO BOX 142950  
 GAINESVILLE, FL 32614-2950

COPY

INTERNATIONAL APPLICATION NO. PCT/GB03/01375	
1A. FILING DATE 03/28/2003	PRIORITY DATE 04/02/2002

CONFIDENTIAL

SEP 10 2005

CONFIRMATION NO. 8237  
 371 ACCEPTANCE LETTER  
 \*OC000000016909914\*  
 \*OC000000016909914\*

Date Mailed: 09/07/2005

## NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>09/10/2004</u>	<u>10/02/2004</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and c(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 09/10/2004
- Copy of the International Search Report filed on 09/10/2004
- Copy of IPE Report filed on 09/10/2004
- Preliminary Amendments filed on 09/10/2004
- Information Disclosure Statements filed on 12/10/2004
- Biochemical Sequence Diskette filed on 09/10/2004
- Oath or Declaration filed on 09/10/2004
- Biochemical Sequence Listing filed on 09/10/2004
- Copy of references cited in ISR filed on 09/10/2004
- U.S. Basic National Fees filed on 09/10/2004
- Priority Documents filed on 09/10/2004